



Patent  
Attorney's Docket No. 018656-249

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	MS ISSUE FEE
Kyu Takada et al.	)	Group Art Unit: 2872
Application No.: 09/988,647	)	Examiner: FAYEZ G ASSAF
Filed: November 20, 2001	)	Confirmation No.: 8854
For: DIFFRACTIVE OPTICAL ELEMENT	)	

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants gratefully acknowledge the allowance of the above-captioned application and respectfully submit the following comments in connection with the Examiner's Statement for Reasons of Allowance set forth in the Office Action dated January 13, 2004.

The paragraph bridging pages 4 and 5 of the Office Action dated January 13, 2004, states, with regard to claims 7-19, that the prior art of record fails to teach or suggest "the combination of the multilayer film being continuous across the level difference of the diffraction grating and having a size that is an integral multiple of a thickness of one period of the dielectric [multilayer] film as set forth in the claimed combination." It appears that the Office has misquoted the language of claim 7 in this regard. Claim 7 recites, *inter alia*, a dielectric multilayer film provided on the diffraction grating wherein at least some of the dielectric layers included in said dielectric multilayer film are continuous across a level difference of the diffraction grating, and wherein the level difference of the diffraction grating has a size that is an integral multiple of a thickness of one period of the dielectric multilayer film.

**Comments On Statement Of Reasons For Allowance**

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Applicants respectfully submit that the Examiner's deviations from the claim language should not be a basis for limiting the scope of claims 7-19 beyond their literal scope and equivalents thereof.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: \_\_\_\_\_

*Aug 10, 2004*

By: \_\_\_\_\_

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